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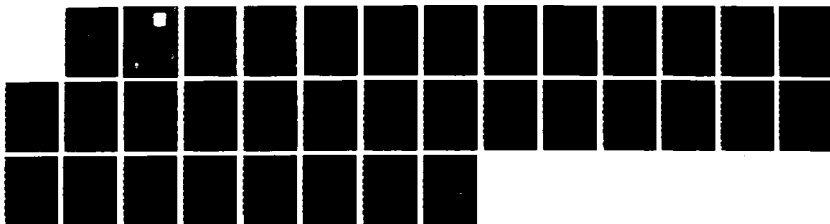
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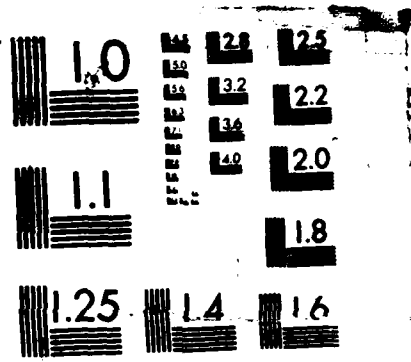
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THE MILITARY JOINS THE WAR ON DRUGS

BY

LIEUTENANT COLONEL MICHAEL S. MOSELEY

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States. The military was seen as the only organization with the necessary equipment and skilled personnel to offset advantages the drug traffickers had in bringing their contraband into the country. However, arguments have been raised that the military support given to the law enforcement agencies detracts from its preparedness mission to defend the United States. Examination of the threat, the national strategies developed to combat the threat, the support thus far given by the military to law enforcement, and the operations law enforcement agencies have conducted with military support show there is a proper role for the military in the war on drugs. This examination also shows that the preparedness of the military is being enhanced by carrying out the support mission. Thus, the military support provided to reduce the supply of drugs entering the United States has helped move the country a step closer to the objective of a drug free society. ←



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THE MILITARY JOINS THE WAR ON DRUGS

An Individual Essay

by

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US Army War College  
Carlisle Barracks, Pennsylvania 17013  
14 April 1987

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## ABSTRACT

**AUTHOR:** Michael S. Moseley, LTC, FA

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The Department of Defense and military services have, since the passage of a 1981 Congressional amendment to the Posse Comitatus Act, provided support to the law enforcement communities' efforts to reduce the flow of illicit drugs into the United States. This support role came about because Federal, State and local law enforcement agencies were overwhelmed technologically, financially, and numerically by drug smugglers. The threat narcotic traffickers pose is viewed as a threat to the national security of the United States. The military was seen as the only organization with the necessary equipment and skilled personnel to offset advantages the drug traffickers had in bringing their contraband into the country. However, arguments have been raised that the military support given to the law enforcement agencies detracts from its preparedness mission to defend the United States. Examination of the threat, the national strategies developed to combat the threat, the support thus far given by the military to law enforcement, and the operations law enforcement agencies have conducted with military support show there is a proper role for the military in the war on drugs. This examination also shows that the preparedness of the military is being enhanced by carrying out the support mission. Thus the military support provided to reduce the supply of drugs entering the United States has helped move the country a step closer to the objective of a drug free society.

## THE MILITARY JOINS THE WAR ON DRUGS

### Introduction

Since 1981 the Department of Defense and the military services of the United States have actively supported the law enforcement communities' efforts to reduce the flow of illicit drugs into the country. Arguments both pro and con have been made concerning the extent to which the military should be involved in this activity. The arguments have ranged from using the military to seal the southern borders of the United States against drug traffickers, to non-involvement in what is primarily viewed as a law enforcement responsibility. This paper will show that there is a proper role for the military as part of a national strategy to reduce the supply of illegal drugs. The paper will also demonstrate that certain benefits are derived by the military services as it relates to their mission of preparedness to defend this country. Finally, this paper will show through examination of results thus far achieved that the military involvement to date has moved this country a step closer to achieving the national objective of a drug free society.

To arrive at the stated objectives of this paper the following framework will be used. First a background orientation will be given to acquaint the reader with the problem. Next, the threat will be summarized showing what drugs are being abused, where they come from, and how they are introduced into this country. A review will then be made of the national strategies that have been developed to respond to the expanding supply



of illicit drugs. Finally, the proper role of the military in support of these strategies will be demonstrated through a review of current legislation and operational involvement.

### Background

The widespread abuse of drugs in the United States is undermining the very moral fabric of American society. It is a multi-faceted problem that has legal, social, economic and medical ramifications.

Recognition of the threat posed by drug abuse and drug trafficking has led to a strong response from the leadership of this country. On 8 April 1986, President Ronald Reagan signed a National Security Decision Directive (NSDD) on narcotics and national security. In effect this document identified international narcotics trafficking as a threat to the national security of the United States and directed certain actions be taken to increase the effectiveness of this country's counter-narcotics efforts. Congress, continuing to recognize the growing menace of drug abuse and drug trafficking, passed the comprehensive Anti-Drug Abuse Act of 1986. In these and other executive and legislative initiatives, the United States has declared war on drugs. In doing so the government has brought to bear its economic, diplomatic, socio-psychological and military instruments of power to carry out national strategies for a drug free society.

It must also be understood that drug abuse is not contained to the United States. There is now a growing realization throughout the world that drug abuse is an international problem

which adversely impacts on producer as well as consumer nations. As leader of the free world society, the United States has taken the lead in the international communities' fight to defeat this very sinister threat.

This country has implemented a two-part strategy to achieve the goal of a drug free America. The first part seeks to reduce the demand for illicit drugs to the point that drug abuse is no longer a threat to our society. The second aspect of the strategy is to eliminate the supply of drugs that fills the demand. While these two strategies are mutually supporting, this paper will focus primarily on supply reduction. Of central interest is the role the military has in this effort. The military has been tasked by presidential directive and enacted legislation to support law enforcement efforts to reduce the supply of illicit drugs. This raises the question of whether the military is being properly employed. Does support of the law enforcement effort detract from the preparedness of the military to defend this country? Again, this paper will attempt to answer that question.

### The Threat

Today, millions of Americans abuse drugs. They provide the demand for the illicit manufacture, transport and distribution of drugs. The threat posed by drug abuse to American society was highlighted by President Ronald Reagan on 6 March 1981 when he said that drug abuse is one of the gravest problems facing us, and warned that if we failed to act we are running the risk of losing a great part of a whole generation.<sup>1</sup> The White House Drug

Abuse Policy Office in its 1984 National Strategy For Prevention of Drug Abuse and Drug Trafficking gives the following statistics which underscore the problem. More than 20 million Americans use marijuana at least once a month. One out of 18 high school seniors use marijuana daily. Over four million people, half of whom are between the ages of 18 and 25, are current users of cocaine. Approximately one-half million Americans are heroin addicts. Countless others are affected by the significant abuse problems which involve medical drugs manufactured in illicit laboratories or diverted from legal pharmaceutical sources.<sup>2</sup>

Drug abuse costs society billions of dollars annually in reduced productivity, health care, crime and other costs. The demand created by abusers has resulted in an annual 100 billion dollar supply industry that manufactures, transports, and distributes illicit drugs.<sup>3</sup> The threat to America is represented in the abuse and trafficking of cocaine, opiates, cannabis and dangerous drugs. A review of the threat assessment contained in the Executive Summary of the National Drug Enforcement Policy Board's National and International Drug Law Enforcement Strategy which was published in January 1987 will show recent drug abuse trends and the extent of the supply of illicit drugs.<sup>4</sup>

#### Cocaine Threat

- Increases in cocaine consumption, cocaine-related hospital emergencies and deaths, and the use of a potent new form of cocaine known as "crack" indicate that this drug poses the most serious drug threat to the United States.
- Most cocaine seized in the United States is produced from coca cultivated in South America, particularly in Peru and Bolivia.

- Colombia continues to be the predominant location for final-stage processing of cocaine, providing approximately 75 percent of the cocaine hydrochloride available in the United States in 1985.
- Most of the cocaine entering the US is still transported aboard aircraft; however, there has been increasing use of private and commercial vessels. While the heaviest trafficking activity remains in the Caribbean, Bahamas, and Southeastern US, cocaine smuggling is becoming more dispersed, with increased activity in the Gulf Coast and Southwestern states.

#### Opiate Threat

- Heroin consumption in the United States appears to have increased in 1985. Heroin-related emergencies increased due, in part, to the recent introduction of a potent form of heroin known as "black tar" and the continuing use of heroin in combination with other drugs.
- The three primary illicit opium production areas are Southwest Asia, Mexico, and Southeast Asia.
- 42 percent of the heroin available for consumption in the United States is produced in the Southwest Asian countries of Afghanistan, Iran, and Pakistan. Turkey remains a major transshipment and staging area for opium, morphine base, and heroin from this region. There is increased heroin trafficking through India, from both Pakistan and Burma.
- Mexico is an increasingly significant source of heroin consumed in the United States, accounting for more than one-third of all heroin consumed nationwide.
- In Southeast Asia, the major opium cultivators and heroin producers operate in Burma, Thailand, and Laos. Most Southeast Asia heroin, like that of Southwest Asia, travels to world markets in the luggage of commercial air passengers and, to a lesser extent, by international mail and vessel traffic.

#### Cannabis Threat

- Marijuana is the most widely used illicit drug in the United States, with approximately 18.2 million current marijuana users in 1985.
- An estimated 81 percent of the marijuana available in the United States in 1985 was produced abroad and 19

percent was produced domestically. Most of the marijuana smuggled into the United States from foreign sources came from Mexico (40 percent) and Colombia (38 percent).

- Marijuana grown in Mexico accounted for 40 percent of the marijuana available in the United States in 1985, up from 6 percent in 1982. Expanded cultivation and reduced eradication and seizures were, in part, responsible for this increase. Marijuana from Mexico is normally trafficked by overland methods and in relatively small quantities.
- Principally as a result of Colombia's aerial eradication program and intensified interdiction operations in the region, the market share of marijuana from Colombia dropped from 48 percent in 1984 to 38 percent in 1985. Colombian traffickers rely heavily upon non-commercial vessels to transport marijuana.
- Most hashish smuggled into the United States is produced in Lebanon, Pakistan, and Afghanistan. This hashish is normally smuggled in commercial vessels.

#### Dangerous Drug Threat

- The term "dangerous drugs" refers to all drugs except heroin and opium, cannabis products, and cocaine. Estimates are that total illicit consumption of dangerous drugs was 2.8 billion dosage units in 1985, a decrease from the 1984 estimate of 3 billion dosage units.
- Most of the dangerous drugs abused in the United States are produced in domestic clandestine laboratories; most of the 1985 laboratory seizures involved methamphetamine, amphetamine, P2P, and PCP.
- A wide variety of groups, including several outlaw motorcycle gangs, have been identified as being involved with the production and distribution of dangerous drugs and controlled substance analogues.

As indicated earlier the threat drugs pose is not endemic only to the United States. Countries that are producers of illicit drugs are also becoming consumers of their own product. In Columbia for example, there is a new drug called "basuco" - from "base de coca." It is a semirefined coca paste which when

smoked delivers the high of cocaine and with it the chemical poison of an incomplete refining process. The result is addiction plus the very high risk of severe, permanent brain damage. In one Bogata neighborhood alone, there are an estimated 7,000 juvenile basuco addicts.<sup>5</sup>

The drug abuse threat spreading across northern South America, and Central America, coupled with the narco-terrorist link, has led to a greater degree of regional and international cooperation in combating drug traffickers. The narco-terrorist link, where narcotic traffickers and guerrilla terrorist groups have formed alliances, threaten the fledging democracies in the region. Guerrillas are protecting the traffickers in return for traffickers financing terrorist activities. As an example, in November 1985, M-19 terrorists attacked the Columbian Supreme Court and murdered nearly half of the judges. The terrorists' behavior during the attack, that is the judges they sought out to kill first, and the extradition documents on drug traffickers they burned, convinced Columbian authorities that the guerrillas were working for narcotic smugglers. Another example of the narco-terrorist link was seen when United States law enforcement agencies, in October 1984, uncovered and foiled a right wing Honduran coup plot financed by drug money.<sup>6</sup> These threats to the democratically elected governments have led to a greater degree of cooperation with the United States in eliminating the drug supply at its source and interrupting the movements of drugs through the region.

### Combatting the Drug Threat

Combating the drug threat is a two-fold problem. To be successful both demand for, and the supply of, drugs must be attacked. While the strategies that have been developed for demand reduction are not considered within the scope of this paper it should be recognized that they, when coupled with supply reduction strategies, are mutually supporting to achieve the long term goal of a drug free society.

In response to growing national awareness and demand that more effective initiatives be taken to combat the supply of drugs into America's communities, there has been a major effort between 1981 and 1986 by the President and Congress to attack the domestic and international supply of drugs. These efforts have resulted in changes of an existing federal statute for the use of military support to law enforcement agencies; development of an evolutionary national strategy for prevention of drug abuse and drug trafficking; establishment of a resource coordinating agency at the national level; and comprehensive anti-drug abuse legislation. Review of each of these will provide a greater understanding of the national effort to halt the flow of drugs into this country and the involvement the Department of Defense and the military services have in support of this effort.

As the quantity of illicit drugs into the United States continued to expand in the 1970's, and because drug traffickers were using sophisticated modern equipment to transport the drugs and avoid detection, law enforcement agencies at the Federal, State and local levels were unable to stem the flow. Estimates concluded only five to ten percent of all illicit drugs coming

into the country were successfully interdicted in the late '70s. Traffickers spent large sums of money from the huge profits illegal drugs provided on equipment that enabled them to escape detection and arrest. This equipment included large numbers of aircraft and high speed boats and sophisticated communications equipment. Another reason law enforcement agencies could not effectively deal with the entry of illicit drugs into the country was because of the large expanses of unsecured border areas. This enabled smugglers undetectable entry by land, sea and air.

As a result Congress determined that the assistance of the military was needed as it was the only organization with the necessary equipment and personnel capable of effectively offsetting the advantages enjoyed by the drug traffickers. However, the Posse Comitatus Act (18 USC 1385) in most cases prohibited the military from assisting civilian law enforcement agencies. To overcome this, Congress in 1981 clarified the role of the military in support of law enforcement by adding Chapter 18 - Military Cooperation With Civilian Law Enforcement Officials, to Title 10 of the United States Code.

Chapter 18 authorized the Department of Defense to:

- Provide to law enforcement officials information collected during the normal course of military operations concerning violation of State or Federal laws.
- Make available to law enforcement officials any equipment, base facility or research facility for law enforcement purposes.
- Train and advise civilian law enforcement officials in the operation and maintenance of military equipment made available to them.
- Assign personnel of DOD to various agencies to operate and maintain equipment.



Congress added two very important caveats to the assistance the Department of Defense could provide by:

- Restricting direct participation by military personnel in interdiction, search and seizure, arrest or similar activity.
- Rendered assistance would not adversely affect the military preparedness of the United States.<sup>8</sup>

Since the amendment of Title 10 United States Code the Department of Defense has provided a great deal of assistance to help Federal, State and local law enforcement agencies combat the drug threat.

### Strategies

The evolution of a national strategy for prevention of drug abuse and drug trafficking has its roots back to 1973 when the first Federal Strategy on Drug Abuse was published. Such a strategy was required by The Drug Abuse Office and Treatment Act of 1972 that directed, "the development of a comprehensive, coordinated, long term Federal strategy for all drug traffic prevention functions conducted, sponsored, or supported by any department or agency of the Federal Government."<sup>9</sup> This initial strategy evolved because the perspective of the problem that drugs now pose for society has changed. The first strategy in 1973 sought to deal with drugs as a public health problem. That perspective evolved to what it is today, a threat to the national security of the United States. The most recently published strategy by the White House Drug Abuse Policy Office, the 1984 National Strategy For Prevention of Drug Abuse and Drug Trafficking, is a comprehensive approach to reducing the

availability of illicit drugs and the adverse effects of drug abuse on the individual and society. The five major elements of the strategy are:

- Drug abuse prevention through awareness and action.
- Drug law enforcement.
- International cooperation to combat narcotics.
- Medical detoxification and treatment.
- Research directed at causes, treatment and understanding.<sup>10</sup>

These evolving strategies and the executive and legislative initiatives to carry them out have led to a vast commitment of resources to combat drug abuse and drug trafficking.

The sheer magnitude of the drug supply and the many organizations involved in combating it was recognized by Congress when it passed the National Narcotics Act of 1984 (21 U.S.C. 1201). Among many other things this law established the National Drug Enforcement Policy Board. Chaired by the Attorney General its membership consists of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of Management and Budget, the Director of Central Intelligence and other officials as may be appointed by the President.<sup>11</sup> The Act directs the board to facilitate coordination of US operations and policy on illegal drug law enforcement. To carry out this responsibility the Board is authorized to:

- Review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Law Enforcement Strategy;
- Facilitate coordination of all United States Government efforts to halt national and international trafficking of illegal drugs; and

- Coordinate the collection and evaluation of information necessary to implement United States Policy with respect to illegal drug law enforcement.<sup>12</sup>

Congress further authorized the Chairman to direct, with the concurrence of the head of the agency employing such personnel, the assignment of Government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement; and review and approve the reprogramming of funds relating to budgetary priorities developed above.<sup>13</sup>

With the establishment of the National Drug Enforcement Policy Board the United States has a focal point at the national level to coordinate policy, strategy and resources to combat drug trafficking. The Policy Board has incorporated into its own strategies the strategies of the White House Drug Abuse Policy Office in regard to law enforcement. The central strategy of the Policy Board is to reduce the supply of illicit drugs all along the distribution chain from the field or laboratory to the consumer. Known as the National and International Drug Law Enforcement Strategy, it has five sub-strategies:

- Intelligence
- International Drug Control
- Interdiction and Border Control
- Investigation and Prosecution
- Diversion Control and Controlled Substance Analogues

A summary review of each of these and the agencies involved in executing them will provide a greater understanding of the overall law enforcement effort to reduce the supply of illicit drugs.

### Intelligence Strategy

The intelligence strategy will be carried out by the intelligence organizations found within the principal drug law enforcement agencies -- Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), US Customs Service (Customs), and the US Coast Guard. Additionally, intelligence organizations that make up the rest of the intelligence community, to include the military, will also be employed. The objective of the intelligence strategy is to help the law enforcement community to predict drug shipments and be proactive in their efforts to stop illicit drugs from entering the country.

### International Drug Control Strategy

The international drug control strategy has both diplomatic and programmatic elements. The diplomatic initiatives seek to internationalize the response to the drug problem, thereby encouraging other governments to engage in unilateral, bilateral and multilateral drug control efforts. The diplomatic efforts are intended to provide an international climate conducive to the implementation of the programmatic initiatives to be carried out by other US agencies involved in drug control. The programmatic initiatives primary objectives are the reduction of illicit crop production and the destabilization of trafficking operations as close to the source as possible.<sup>14</sup> Elements of the programmatic initiatives are crop eradication, development of economic assistance, interdiction, and investigation and prosecution. The State Department's Bureau of International Narcotics Matters (INM) has the responsibility for the diplomatic effort.

Programmatic initiatives are carried out by DEA, FBI, Customs, Internal Revenue Service (IRS), Coast Guard, Department of Defense (DOD), Agency for International Development (AID), United States Information Agency (USAI), National Institute on Drug Abuse (NIDA), and other elements within the State, Treasury and Justice Departments.

### Interdiction and Border Control Strategy

The primary objective of the interdiction and border control strategy is to reduce the amount of illegal drugs entering the United States by targeting the transportation link between drug supply and demand. Specifically, interdiction focuses on detecting, identifying and intercepting shipments of illegal drugs as they move from their departure point in source countries along smuggling routes to United States land, sea and air borders. Once intercepted, the violators are arrested and the drugs, conveyances, and other assets seized.<sup>15</sup> Key to the success of this element of the strategy is the coordination and integration of the various interdicting agencies. The agencies involved are Customs, Coast Guard, DOD, DEA, FBI, INM, Border Patrol, Federal Aviation Administration (FAA), state and local law enforcement agencies, the National Narcotics Border Interdiction System (NNBIS) and the intelligence community. Components of the Interdiction and Border Control Strategy are detection; interdiction intransit; border interdiction; flexibility and unpredictability as it relates to the fluidity of drug smuggling; regional appraisals; research and development of new technologies to detect and intercept drug traffickers;

expanding roles for the military and intelligence community; and increased publicity.

#### Investigation and Prosecution Strategy

The investigation and prosecution strategy seeks to immobilize drug trafficking organizations by incarcerating their members, seizing their drugs, obtaining drug-related asset forfeitures, and deporting alien traffickers.<sup>16</sup> DEA, FBI, Customs, Bureau of Alcohol, Tobacco and Firearms, INS, US Marshals Service and the US Attorneys all have roles in carrying out this strategy. One of the central elements to the success of this objective is the multi-agency approach used by the Organized Crime Drug Enforcement Task Force (OCDETF). The OCDETF, through a network of 13 regional offices, coordinates federal law enforcement efforts with state and local efforts to combat the national and international organizations that supply illicit drugs. Other initiatives used to carry out the investigation and prosecution strategy are: financial investigations and asset forfeiture -- especially in the area of laundered money; Federal resource deployment -- sets, as a priority, investigative and prosecutorial resources targeted against major drug organizations; state and local cooperation; targeted approaches developing priorities and allocating resources to focus on individual drugs or geographic areas, particular organizations or at a particular link in the trafficking chain; US illicit drug production control; and international treaties.

### Diversion Control and Controlled Substance Analogues Strategy

The final strategy that the Policy Board developed to reduce the illicit supply of drugs is the diversion control and controlled substance analogues strategy. This strategy deals with the regulatory control of the diversion of licit drugs from legitimate commerce and distribution networks; control of the diversion of chemicals used in the clandestine production of licit and illicit drugs; and identification and scheduling of controlled substance analogues -- commonly called designer drugs, they are chemical variants of controlled substances.<sup>17</sup> Agencies involved in carrying out this strategy include DEA, NIDA, the Food and Drug Administration (FDA), Customs, and the FBI.

Obviously the five substrategies of the National and International Drug Law Enforcement Strategy are interrelated and many of the operational agencies have overlapping roles.

### Military Support for Drug Supply Reduction Strategies

On October 27, 1986, President Ronald Reagan signed into law the Anti-Drug Abuse Act of 1986. As stated in its purposes paragraph:

An Act to strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in the halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitative efforts, and for other programs.<sup>18</sup>

This Act not only enhanced Federal, State and local drug abuse prevention and treatment efforts, but also provided the drug law enforcement community with significant new resources for its

battle against the illicit manufacture, distribution and consumption of drugs.

Of particular note to the Department of Defense is Title III - Interdiction, which gives two of the findings by Congress in the hearings conducted prior to passage of the bill. They are:

(4) the Department of Defense and the use of its resources should be an integral part of a comprehensive, national drug interdiction program;

(8) since the amendment of the Posse Comitatus Act (18 USC 1385) in 1981, the Department of Defense has assisted in the effort to interdict drugs, but they can do more.<sup>19</sup>

The Act then articulates the purposes of Title III:

(1) to increase the level of funding and resources available to civilian drug interdiction agencies of the Federal Government,

(2) to increase the level of support for the Department of Defense as consistent with the Posse Comitatus Act, for interdiction of the narcotics traffickers before such traffickers penetrate the borders of the United States; and

(3) to improve other drug interdiction programs of the Federal Government.<sup>20</sup>

Subtitle A to Title III - Department of Defense Interdiction Assistance identifies specific major end item equipment support requirements for the Department of Defense to procure for or transfer to various law enforcement agencies. These include four Hawkeye E-2C surveillance aircraft; seven radar aerostats which are ground or ship tethered balloons with an attached radar that are raised to 10,000 feet and used to detect low flying aircraft; and eight Blackhawk helicopters. Once purchased or refurbished from existing military stocks the surveillance aircraft are to be loaned to the Customs Service and Coast Guard and the other



equipment to agencies designated by the National Drug Enforcement Policy Board.<sup>21</sup>

Congress went on to require the Department of Defense to develop a detailed list of all forms of assistance to be made available to civilian law enforcement and drug interdiction agencies. Congress directed that the list contain specific types of equipment and support:

(A) Surveillance equipment for detecting air, land and marine drug transportation activities.

(B) Communications equipment including secure communications.

(C) Support available from the reserve components of the Armed Forces for drug interdiction operations of civilian drug law enforcement agencies.

(D) Intelligence on the growing, processing, and transportation of drugs in drug source countries and the transshipment of drugs between such countries and the United States.

(E) Support from the Southern Command and other unified and specified commands that is available to assist in drug interdiction.

(F) Aircraft suitable for use in the air-to-air detection, interception, tracking, and seizure by civilian drug interdiction agencies including Customs Service and the Coast Guard.

(G) Marine vessels suitable for use in the maritime detection, interception, tracking and seizure by civilian drug interdiction agencies including Customs Service and the Coast Guard.

(H) Such land vehicles as may be appropriate for support activities relating to drug interdiction operations by civilian drug law enforcement agencies, including the Customs Service, the Immigration and Naturalization Service, and other Federal agencies having drug interdiction or drug eradication responsibilities.<sup>22</sup>

Another important aspect of the Anti-Drug Abuse Act of 1986 was the further clarification of military support to civilian law

enforcement activities. This in effect expanded the 1981 amendment of the Posse Comitatus Act previously discussed by allowing the military to operate and maintain military equipment while assisting US law enforcement agencies outside the United States.<sup>23</sup>

The preceding paragraphs of this paper show that there is a role for the military in fighting illegal drug trafficking within the larger framework of centrally developed national strategies. This role is recognized by the President, Congress and the Department of Defense, whose top officials supported military involvement during hearings conducted prior to passage of both the 1981 amendment to the Posse Comitatus Act and the Anti-Drug Abuse Act of 1986. The actual role that the Defense Department has in the war on drug trafficking was summarized by Colonel Harvey G. Pothier, U.S. Air Force, Acting Director, DOD Task Force on Drug Enforcement in his prepared statement to the Committee on Foreign Affairs, House of Representatives on 5 August 1986. In his statement Colonel Pothier said,

Our proper role is to support drug law enforcement agencies with sophisticated equipment loans; to provide aerial, maritime and ground surveillance of drug trafficking personnel, vehicles, ships and aircraft; and to provide intelligence and communications to improve drug law enforcement effectiveness. While the Department of Defense support posture maintains the historical separation between civilian law enforcement and military missions as required by the Posse Comitatus Act, we endeavor to maximize assistance permitted under Public Law 97-86, particularly, in terms of training exercises.

During Fiscal Year 1985, the Department of Defense honored nearly 8,000 individuals federal, state and local law enforcement agency requests for assistance including the use of facilities, explosives ordnance disposal, security assistance, technical or training assistance, equipment loans and mission support.<sup>24</sup>

While the actual involvement of the Department of Defense and the military services' personnel and equipment is far too lengthy to list in this paper, representative samples of the support given to law enforcement agencies will show the magnitude of the effort that has been made by the armed forces.

- Airborne surveillance by the Army, Navy, and Air Force is the largest area of DOD support to enforcement agencies. In FY 85, over 3,000 sorties using a variety of aircraft were flown amassing nearly 10,400 flight hours.
- The Navy provided 347 ship days with coast guard tactical law enforcement teams (TACLETS) onboard.
- The Air Force operated two aerostat radars over 10,000 hours in support of the U.S. Custom Service.
- 120 Communication Encryption Devices were loaned to the Customs Service and the Drug Enforcement Agency.
- The National Guard conducted 207 missions, primarily aerial surveillance in support of civilian state and local law enforcement agencies in 20 states.
- The Army loaned Blackhawk, Cobra and OH-6 helicopters and Mohawk fixed wing aircraft to federal civilian drug enforcement agencies.
- All services provided expert personnel assistance to seven NNBlS Regional and District Centers and NNBlS headquarters.
- The Air Force continued to support Operations Bahamas and Turks (OPBAT) with personnel operating and maintaining two UH-1N helicopters stationed in the Bahamas. This support was increased during FY 86.
- DOD also provided support in several additional key areas particularly, assistance to an operation called Hat Trick II -- the largest interagency anti-narcotics operation to date. DOD aided operational planning, developed interagency voice privacy radio networks using DOD equipment and facilities, and provided expanding intelligence support. These contributions aided in disrupting maritime and airborne drug trafficking.
- In response to a request for assistance from the Government of Bolivia to the Department of State,

elements of the Army and Air Force provided support to a joint Drug Enforcement Administration/Bolivian National Police effort to counter cocaine processing/drug storage sites. This support included U.S. Army Blackhawk helicopters to provide quick insertion of Bolivian National Police and DEA agents to cocaine production facilities. The Air Force provided airlift for Army units to and from Bolivia and provided in-country logistical support.<sup>25</sup>

The results achieved by the law enforcement community with the support of the military have been impressive. Two examples of multiagency operations show the magnitude of impact the law enforcement with military support effort has had on disrupting the flow of drugs into the United States.

- Operation Blue Lightning took place in April 1985 and disrupted the flow of drugs through the Bahamas. Participating in the operation were Customs Service, Coast Guard, DEA, military services, National Park Service, 16 state, county and local agencies, and Bahamian police officials. The operation included the use of 85 law enforcement vessels (military included) 30 aircraft and six radar facilities. Over 5,500 pounds of cocaine, 36,000 pounds of marijuana and 26 vessels were seized during the two week operation.
- Operation Hat Trick II took place from November through January 1986. It disrupted the flow of cocaine and marijuana from Latin America to the United States. The U.S. Navy and Coast Guard provided primary surveillance and interdiction forces. Customs, working with the Navy, Air Force, Army and Marines conducted air operations. By February 1986, nearly 1,700,000 pounds of Marijuana and 11 tons of cocaine had been seized. More than 1,300 people were arrested.<sup>26</sup>

For a more comprehensive review of the impact law enforcement activities have had as a result of executing the supply reduction strategies see the National Drug Enforcement Policy Board's Federal Drug Law Enforcement Review 1981-1986.

### Conclusions

Obviously the amount of support the Defense Department and the military services have given in support of illicit drug

supply reduction can be summarized in terms of tens of thousands of mandays and hundreds of millions of dollars worth of equipment. Can the armed forces of the United States afford to divert so many scarce resources in light of the military threat that faces this country? By doing so, is not the caveat mentioned earlier concerning preparedness contained in the 1981 Amendment to the Posse Comitatus Act violated?

To answer these questions it must first be understood that there is a restriction placed on the support provided by the military to the law enforcement community. Participation by military personnel and the equipment they operate and maintain must derive training or operational benefits that would normally take place if the personnel and equipment were involved in their normal military duties. If the support given by the military does not derive these benefits then the agency receiving such support must reimburse the Defense Department for the cost of the support.

If these scarce resources were just given to the law enforcement community with no investment return for the military other than reduction of the supply of drugs, it would probably violate the preparedness requirement. However, the use of military personnel and equipment in support of the law enforcement effort does pay dividends. It provides realistic individual and unit training, often under stressful situations that could not be built into a training scenario. The support places a high premium on coordination and planning by the military in order to get the most effective utilization of the

scarce resources. This adds to, rather than detracts from, preparedness. Another benefit that could be realized in the future from loaning sophisticated equipment to law enforcement agencies, who have the responsibility to operate and maintain most of it, is that the loaned equipment is on recall in the event of a national emergency. In addition to providing additional hardware resources to the military, does it not follow that the law enforcement agency personnel would then provide the military with an additional pool of trained manpower in the event of national emergency? The major end items of equipment identified in the Anti-Drug Abuse Act of 1986 (see page 17) that the Defense Department must transfer to Federal law enforcement agencies is not lost to the military. The transferred items are to be replaced by new equipment which will be procured in the upcoming year. Finally, the wear and tear on military equipment that occurs in support of the law enforcement effort would also happen if it were used in normal military training and operations.

Based on the above I believe there is strong argument for the continued support by the military to the law enforcement effort to reduce the supply of illicit drugs into the United States. I believe the support provides tremendous benefits for this country, in terms of carrying out the convincing reduction strategy in order to provide America with a drug free society. To a lesser degree it benefits the military by improving its preparedness to defend the United States.

## ENDNOTES

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7. United States Code, 1982, Vol. 3, Title 10, Sec. 371-374, pp. 62-63.
8. Ibid., Sec. 375-376, p. 63.
9. United States Code, 1982, Vol. 8, Title 21, Sec. 1112, p. 935.
10. White House, pp. 6-7.
11. United States Code Congressional and Administrative News, 1984, Vol. 2, 21 USC 1202.
12. Ibid., Sec. 1203.
13. Ibid.
14. National, pp. 66-69.
15. Ibid., p. 81.
16. ibid., p. 101.
17. Ibid., pp. 127-139.
18. United States Code Congressional and Administrative News, December 1986, Pamphlet No. 10A, Public Law 99-570 [H.R. 5484]; October 27, 1986. Purpose of Act paragraph.
19. Ibid., Sec. 3002.

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22. Ibid., Sec. 3057.
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25. Ibid., pp. 4-11.
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